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10/748,063	12/30/2003	Daryl Carvis Cromer	RPS920030218US1	8312
61755 7590 07/24/2008 Kunzler & McKenzie 8 EAST BROADWAY, SUITE 600 SALT LAKE CITY, UT 84111				
EXAMINER				
MUSA, ABDELNABO				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,063

Applicant(s)

CROMER ET AL.

Examiner

ABDELNABI O. MUSA

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5, 10-14, 16, 21-24 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 10-14, 16, 21-24, 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/748063 has a total of 14 claims pending in the application; there are 5 independent claims and 9 dependent claims, all of which are ready for examination by the examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/19/2008 has been entered.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: defining and providing more information of what the computer readable medium is and clearly point out the explanations to support the language of the claims.

Remarks

4. Claims 2-3, 6-9, 15, 17-20, and 25-27 have been canceled.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim(s) 1-5, 10-14, 16, 21-24, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith Pub. No. (US 2005/0263591 A1) and in view of Connery et al. Patent No. (US 6,570,884 A1) and further in view of Baudot et al. Pub. No. (US 2002/0107966 A1)

As per **claim 1**, smith teaches an apparatus for verifying an interface address, the apparatus (an apparatus to identify devices and verifyID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIG.5) comprising:

a communication module in electrical communication with a network, the communication module ([0070]; [0096]) configured with an interface address (interface address identifier [0024]; [0030]), wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network interface card, the communication module further configured to communicate the interface address in response to a query (query command to specify device's location based on their address [0005-0007] FIG. 6); and

a logic module in electrical communication with the communication module, the logic module configured to query the communication module (receive tags to identify devices and configure them among a plurality of devices [0006]; FIG. 1), and to receive the interface address from the communication module (once the programID command is

validated, the tag executes the required programming memory [0133]; [0138]), the logic module further configured to determine whether the interface address is invalid, wherein an invalid interface address is selected from an address outside of a specified address range and an address not of a specified device, and to mitigate an invalid interface address by deactivating the network, but does not teach the *specifics* on deactivating the network based on the address validity and does not teach the specifics wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network interface card. However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1) and Baudot teaches a method for hosting network connections having a process in an active state and a process in a standby state (outside of range state) then replicating status data of a network connection of the active process from an active process to a out of range process wherein during promotion of the out range process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address ([0010] FIG.4)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Smith by the teaching of Connery and Baudot because a media access control unit is configured for network having a certain

data rate set including speed scheme and containing instruction that are executed on the network interface card to determine the validity of the device address. One would consider deactivating a network connection to validate a new device address to the network and to mitigate the invalid interface address

As per **claim 4**, Smith teaches the apparatus of claim 1 (an apparatus to identify devices and verify ID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 8, 9), wherein the interface address is determined to be invalid if the interface address is a specified error value (error value and validity of tags within the interface address, errors management and data errors [0006]; [0007]; [0070]; [0076])

As per **claim 5**, Smith teaches the apparatus of claim 1 (an apparatus to identify devices and verify ID addresses in a network, Abstract; [0170]; [0190]; [0155]; FIGs. 8, 9), wherein the interface address is determined to be invalid if the interface address is received after a specified time interval (specified time interval and interface address range, master clock interval [0155]; [0199]; [0204])

As per **claim 10**, Smith teaches a system for verifying an interface address, the system comprising:

a network ([0024]; [0225]; FIG.1);

an interface device in electrical communication with the network, the interface device configured with an interface address (communication between processing

systems though a network [0024]; [0029]; [0033]; [0069]), wherein the interface address is an Ethernet media access controller address and the interface device is an Ethernet network interface card, the interface device further configured to receive a query and to communicate the interface address responsive to the query; and

a verification device in electrical communication with the network (a device to identify devices and verify ID addresses in a network [0170]; [0190]; [0155]; FIGs. 5), the verification device configured to communicate the query to the interface device ([0048]; [0070]; [0096]) and to receive the interface address from the interface device, the verification device further configured to determine whether the interface address is invalid (upon receipt of a valid program ID command, the tag executes the required programming memory [0133]; [0138]), wherein an invalid interface address is selected from an address outside of specified address range and an address not of a specified device, and to mitigate the invalid interface address by deactivating the network, but does not teach the *specifics* on deactivating the network based on the address validity and does not teach the *specifics* wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network interface card. However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1) and Baudot teaches a method for hosting network connections having a process in an active state and a process in a standby state (outside of range state) then replicating status

data of a network connection of the active process from an active process to a out of range process wherein during promotion of the out range process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address ([0010] FIG.4)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Smith by the teaching of Connery and Baudot because a media access control unit is configured for network having a certain data rate set including speed scheme and containing instruction that are executed on the network interface card to determine the validity of the device address. One would consider deactivating a network connection to validate a new device address to the network and to mitigate the invalid interface address

As per **claim 13**, smith teaches the system of claim 10, wherein the interface address is determined to be invalid if the interface address is a specified error value (error value and validity of tags within the interface address, errors management and data errors [0006]; [0007]; [0070]; [0076])

As per **claim 14**, smith teaches the system of claim 10, wherein the interface address is determined to be invalid if the interface address is equivalent to a second interface address (equivalence technique for query command to determine the validity of the of the tag [0046])

As per **claim 16**, smith teaches a computer readable storage medium comprising computer readable code for verifying an interface address (computer readable media to process data systems [0008]; [0224]), the computer readable code configured to:

query an interface address (query command to specify device's location based on their address [0005-0007]; FIG. 6), wherein the interface address is an Ethernet media access controller address of an Ethernet network interface card;

receive the interface address (receive tags to identify devices and configure them among a plurality of devices [0006]; FIG. 1);

determine whether an interface address is invalid (upon receipt of a valid programID command, the tag executes the required programming memory [0133]; [0138]), wherein an invalid interface address is selected from an address outside of a specified address range and an address not of a specified device; and mitigate the invalid interface address by deactivating the network, but does not teach the *specifics* on deactivating the network based on the address validity and does not teach the *specifics* wherein the interface address is an Ethernet media access controller address and the communication module is an Ethernet network interface card. However, Connery teaches an Ethernet media access controller and its address validity in the network environment and teaches the interface address is an Ethernet media access controller address in the communication module containing Ethernet media access controller (Col. 3, Line 29-60; Col.4, Line 52-67; FIG.1) and Baudot teaches a method for hosting network connections having a process in an active state and a process in a

standby state (outside of range state) then replicating status data of a network connection of the active process from an active process to a out of range process wherein during promotion of the out range process to an active state, deactivating the network connection in the active system without closing the connection on the network, transferring the network address to the standby process and activating the corresponding standby connection with that network address ([0010] FIG.4)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Smith by the teaching of Connery and Baudot because a media access control unit is configured for network having a certain data rate set including speed scheme and containing instruction that are executed on the network interface card to determine the validity of the device address. One would consider deactivating a network connection to validate a new device address to the network and to mitigate the invalid interface address

Claims 21-24, and 28-30 are related to the same limitation set for hereinabove, where the difference used is the phrase 'system' in claim 10 and the phrase computer readable storage medium' in the claim 16 and the phrase 'method' in claim 24 and the phrase 'apparatus' in claim 30 in additional to 'means for...' whereas the wordings of the claims were interchanged within the claim itself and some of the claims were presented as a combination of two or more previously presented claims. This change does **NOT** effect the limitation of the above treated claims. Adding these phrases to the claims and interchanging the wording **DID NOT** introduce new limitations to those

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claims, the citations from the prior art have been inserted as needed. Refer to the references cited for more details and further mapping. Even though claims 21-24, and 28-30 have been differently written from the above treated claims, yet the limitations did not change. As mentioned, claim 21 the same as claim 14, claim 22 the same as claim 4, claim 23 the same as claim 5, claim 24 has the limitations of claims 16, claim 28 the same as claim 4, claim 29 contain the limitation of claims 14, claim 30 was introduced in claims 16, again there is no difference in **limitations** between claims 21-24, 28-30 and the above treated claims, Refer to MPEP on claim format and presentations

Prior Art

6. The following prior art from the updated search made of record and not relied upon:

- Lawier et al. Patent No. (US 5,978,951 B1)
- Ketchum et al. Patent No. (US 5,548,796)

Response to Amendment

Applicant's arguments with respect to the above independent claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A.M

/Joseph E. Avellino/

Primary Examiner, Art Unit 2146